

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MALCOLM PIKE,

Plaintiff,

ORDER
CV 05-5330 (JS)(ARL)

-against-

T. WILLIAM ANDERSON ASSOCIATES, INC.,

Defendant.

-----X
LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter dated March 20, 2006, requesting that the court order the defendant to respond to the plaintiff's discovery requests and that the requests for admissions be deemed admitted. That request is denied.

To begin with, the court does not believe that this application is ripe. Pursuant to Fed. R. Civ. P. 26 (d), "a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." The plaintiff has not indicated whether or not the parties have had a Rule 26(f) conference. However, given that the initial conference has not yet been scheduled, the court assumes that they have not done so. Moreover, even if it was appropriate for the plaintiff to begin seeking discovery, the discovery requests were served via facsimile on February 13, 2006, and pursuant to Fed. R. Civ. P. 6(e), three days was to be added to the thirty days the defendant's had to respond, making the responses due on March 20th, the day the application was made. Finally, prior to submitting a motion of this nature, the plaintiff was required to confer with his adversary in good faith in an effort to resolve the dispute. The court does not consider contacting the defendant's counsel's office prior to the date the request was due, a good faith effort to resolve the dispute.

Dated: Central Islip, New York
March 21, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge